IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 16530 of 2007(P)

PETITIONER:

T.JISHNU, AGED.71 YEARS,
RETIRED PRINCIPAL GOVT.ENG.COLLEGE,
THRISSUR, S/O.T.KANARAN,
`HARINI', VIYYOOR POST,
THRISSUR DISTRICT.

BY ADV. SRI.K.V.RAMABHADRAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT,
GOVT.SECRETARIATE,
THIRUVANANTHAPURAM.

2. CHIEF REGISTRAR FOR BIRTHS AND DEATHS,
FOR STATE OF KERALA, DIRECTORATE & PANCHAYATH,
THIRUVANANTHAPURAM.

3. REGISTRAR FOR BIRTHS AND DEATHS,
KUTHUPARAMBA MUNICIPALITY,
P.O.KUTHUPARAMBA,
KANNUR DISTRICT.

R1 BY GOVERNMENT PLEADER (SHRI MOHAMMED ANZAR)

R2 & R3 BY ADV. SRI.P.V.SURENDRANATH
SRI.P.V.DIBU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 16530 OF 2007 P

PETITIONER'S EXHIBITS:

EXT.P1 XEROX COPY OF THE NATIVITY CERTIFICATE.

EXT.P2 XEROX COPY OF THE CERTIFICATE ISSUED BY DOCTOR WITNESSING THE FACT OF BIRTH AND DATE OF BIRTH.

EXT.P3 XEROX COPY OF THE 1ST PAGE OF S.S.L.C. BOOK.

EXT.P4 XEROX COPY OF BIRTH CERTIFICATE ISSUED BY INDIAN CONSULATE NEW YORK.

EXT.P5 XEROX COPY OF THE BIRTH CERTIFICATE ISSUED BY THIRD RESPONDENT WITH WRONG ENTRY.

EXT.P6 XEROX COPY OF THE REPRESENTATION FILED BY PETITIONER TO THIRD RESPONDENT.

EXT.P7 XEROX COPY OF AFFIDAVIT ENCLOSED WITH EXHIBIT P6.

EXT.P8 XEROX COPY OF LETTER ISSUED BY THIRD RESPONDENT REPLYING TO EXT.P6.

EXT.P9 XEROX COPY OF THE REQUEST SENT TO THIRD RESPONDENT FOR CORRECTION OF ERRONEOUS ENTRIES. EXT.r3(B) DATED 20.6.2007.

EXT.P10 XEROX COPY OF AFFIDAVIT FILED BY DR. T. BHAMA ENCLOSED WITH EXT.P9.

EXT.R3(A) TRUE COPY OF THE APPLICATION SUBMITTED BY PETITIONER ON 30.1.2007.

EXT.R3(B) TRUE COPY OF THE RELEVANT EXTRACT OF THE BIRTH REGISTER MAINTAINED BY KOOTHUPARAMBA MUNICIPALITY.

EXT.R3(C) TRUE COPY OF NOTICE DATED 15.2.2007 ISSUED TO THE PETITIONER.

EXT.R3(D) TRUE COPY OF THE APPLICATION SUBMITTED BY PETITIONER ON 11.4.2007.

EXT.R3(E) TRUE COPY OF THE AFORESAID APPLICATION DATED 14.5.2007 THROUGH ADV. PRAKASAN.

EXT.R3(F) TRUE COPY OF THE INFORMATION ISSUED IN RESPONSE TO EXT.R3(E) APPLICATION.

// TRUE COPY//

PS TO JUDGE.

K. M. JOSEPH, J.

W.P.C. NO. 16530 OF 2007 P

Dated this the 2nd July, 2007

JUDGMENT

Petitioner has approached this Court challenging Ext.P8. Complaint of petitioner, of course, is essentially as follows:

Petitioner claims to be a native of Thrissur. His wife delivered the eldest daughter Manjula on 31.5.1965 at Kuthuparamba. Petitioner relies on Ext.P2 which is a Certificate issued by the Doctor evidencing the fact of delivery and birth of Manjula. Ext.P3 is a copy of first page of SSLC Book. Ext.P4 is the Certificate issued by the Consulate General of India in New York. Ext.P7 is an Affidavit sworn to by petitioner. All these documents are produced to show that the petitioner's daughter's date of birth is 31.5.1965 and this is the case of petitioner. Of course, it is the case of third respondent that the petitioner had actually made an application seeking a Certificate and the Certificate was issued showing the facts as in the records. Of course, as per the records, according to third

respondent, the date of birth of the second child of the petitioner is shown as 14.9.1965 and the name of the second child is also registered as "Nalini". According to Ext.P1 Nativity Certificate, the name is shown as "Manjula T. Jishnue". At any rate, petitioner has submitted Ext.P9 purporting to be an application seeking correction.

2. I heard the learned counsel appearing for the petitioner and also the learned counsel appearing on behalf of third respondent. Counsel for petitioner submits that a decision may be ordered to be taken on Ext.P9 in accordance with law and in the light of Exts.P1 to P4, P7 & P10. The Writ Petition is disposed of with a direction to the third respondent to consider and take a decision on Ext.P9 in accordance with law after affording an opportunity of hearing to the petitioner also. It is open to the petitioner to produce such materials before the third respondent including the above documents and to rely on Exts.P1 to P4, P7 and P10. A decision as aforesaid shall be

taken within a period of three weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

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